

FEE TRANSMITTAL

MAIL STOP AFTER-FINAL

Complete If Known

Application No.	10/005,483
Filing Date	11/09/2001
First Named Inventor	James L. SNELL <i>et al</i>
Examiner Name	Shuwang Liu
Group Art Unit	2634
Attorney Docket No.	56162.000489

Total Amount Of Payment (\$) 200.00

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner for Patents is hereby authorized to charge indicated fees and credit any over payments to **Deposit Account No. 50-0206** in the name of Hunton & Williams LLP.

2. ☒ Check Enclosed. The Commissioner for Patents is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-0206** in the name of Hunton & Williams LLP, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109.

FEE CALCULATION

1. BASIC FILING FEE ☒ Large Entity ☐ Small Entity

FEE PAID

Utility Filing Fee	\$
Design Filing Fee	\$
Plant Filing Fee	\$
Reissue Filing Fee	\$
Provisional Filing Fee	\$

FEE CALCULATION (continued)

Fee Description	Fee Paid
<input type="checkbox"/> Surcharge - late filing fee or oath	\$
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	\$
<input type="checkbox"/> Two (2) Month Extension of Time	\$
<input type="checkbox"/> Notice of Appeal	\$
<input type="checkbox"/> Filing Brief in Support of Appeal	\$
<input type="checkbox"/> Request for Oral Hearing	\$
<input type="checkbox"/> Utility Issue Fee (or Reissue) (including Publication Fee, if necessary)	\$
<input type="checkbox"/> Design Issue Fee	\$
<input type="checkbox"/> Plant Issue Fee	\$
<input checked="" type="checkbox"/> Petition to Commissioner Under 1.47	\$ 200.00
<input type="checkbox"/> Petition to Revive (Unavoidable)	\$
<input type="checkbox"/> Petition to Revive (Unintentional)	\$
<input type="checkbox"/> Petitions Related to Provisional Applications	\$
<input type="checkbox"/> Submission of Information Disclosure Statement	\$
<input type="checkbox"/> Filing Submission After Final Rejection	\$
<input type="checkbox"/> Recording Each Patent Assignment Per Property	\$
<input type="checkbox"/> Filing Request for Reexamination	\$
<input type="checkbox"/> Other (specify) _____	\$

2. EXTRA CLAIMS FEES

CLAIMS AS AMENDED

For	Number Present	Highest Number Paid For	Extra	Rate		Amount
				Large Entity	Small Entity	
TOTAL CLAIMS	133	133	0	x \$ 50.00	x \$ 25.00	\$ 0.00
INDEPENDENT CLAIMS	17	17	0	x \$ 200.00	x \$ 100.00	\$ 0.00
MULTIPLE DEPENDENT CLAIMS				\$ 360.00	\$ 180.00	\$ 0.00
TOTAL EXTRA CLAIMS FEES						\$ 0.00

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Phillip D. Mancini for Kevin T. Duncan	Registration No.	46,743 for 41,495
Signature		Date	April 17, 2006



PATENT
56162.000489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/005,483 **Confirmation No.:** 7202
Applicant : James L. SNELL
Filed : 11/09/2001
Title : High Data Rate Spread Spectrum Transceiver And Associated Methods
TC/Art Unit : 2634
Examiner: : Ted Wang **Docket No.:** 56162.000489
Customer No. : 21967

PETITION UNDER 37 C.F.R. § 1.47(A)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified reissue application has been accorded 37 C.F.R. § 1.47(a) status with respect to non-signing inventor James Snell. (see PTO Petition Grant attached as Exhibit 1). Due to recently discovered defects in the original reissue declaration and in view of the substantial amendments made to the newly added claims of the reissue application, the PTO is now requiring another original reissue declaration by inventors. However, after making a diligent attempt as described below, another of the named inventors, Victor Lucas, can not be reached and therefore is non-signing. The facts are as follows:

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01 FC:1463

200.00 0p

1. During multiple telephone conversations with Special Programs Examiner Krista Zele from the period of March 1, 2006 until April 12, 2006, it was determined that a new reissue declaration would be required.

2. Because § 1.47(a) status had already been granted with respect to inventor James Snell, it was only necessary to receive signatures from co-inventors Victor (Leonard) Lucas and Carl Andren. On April 13, 2006 letters were sent via Federal Express to both Mr. Andren and Mr. Lucas including the reissue declaration and the latest version of the claims as they were amended during prosecution of the reissue application (copies enclosed as Exhibit 2, with Federal Express receipts as Exhibit 3). Their last known addresses are shown below:

Victor L. Lucas
1706 SE Sedgwick
Port Orchard, WA 98366

Carl F. Andren
906 S. Ramona Avenue
Indianapolis, Florida 32903

In addition, using a directory service we found a telephone number for Mr. Andren and called him to confirm that he would execute the declaration and return it to us in the prepaid Federal Express envelope. After obtaining a list of all the Victor L. and L. Victor Lucas' in Washington State, and calling those that had published numbers, we were unable to speak with Mr. Lucas. The telephone number at the last listed address is an unlisted number. Thus, we sent the letter without discussing the matter with Mr. Lucas by telephone.

3. Our letter to Mr. Andren was received and returned to us in the prepaid Federal Express envelope provided. However, Federal Express contacted us regarding Mr. Lucas' letter (800-463-3339 - Tracking Number 791445342369) to inform us that this

address is not proper for Mr. Lucas. We confirmed with the Kitsap County, Washington land records department that Mr. Lucas lived at the above address. A copy of the tax record for the above address is attached as Exhibit 4.

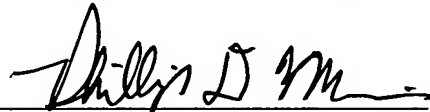
4. We therefore respectfully request that § 1.47(a) status also be granted with respect to inventor Victor Lucas and that application be allowed to be made by inventor Carl Andren on behalf of himself and the other inventors.

5. I, Phillip D. Mancini, Applicants representative, hereby submit that the above record is a true and accurate statement of the facts regarding our attempt to obtain the signature of co-inventor Victor Lucas. Furthermore, because this application must be allowed by April 29, 2006 to prevent this otherwise allowable application from becoming abandoned, (5 months from filing the Notice of Appeal) prompt grant of the petition and issuance are respectfully requested.

The petition fee of \$200.00 as set forth under 37 C.F.R. § 1.17(g) is attached. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS



Phillip D. Mancini
Registration No. 46,743

Kevin T. Duncan
Registration No. 41,495

Date: April 17, 2006 By:

1900 K Street, N.W.
Washington, D.C. 20006-1109
Tel 202-955-1500
Fax 202-778-2201



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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FOGG SLIFER & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

Paper No. 9

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FEB 28 2003

OFFICE OF PETITIONS

In re
James L. Snell, Carl F. Andren and
Leonard Victor Lucas
Reissue Application No. 10/005,483
Filing Date: November 9, 2001
Reissue of Patent No. 5,982,807
Original Issue Date: November 9, 1999
Attorney Docket No. 125.003USR1

DECISION ACCORDING STATUS
UNDER § 1.47(a)

This is a decision on the "Renewed Petition under 37 CFR 1.47(b)" resubmitted by facsimile transmission on February 10, 2003. Petitioner has submitted *prima facie* evidence in the form of a stamped return postcard receipt that this renewed petition, though not of record in the application, was timely filed on December 2, 2002¹.

The petition is GRANTED.

The above-identified reissue application of patent No. 5,982,807 (Issued November 9, 1999) was filed on November 9, 2001, with an unexecuted reissue declaration, missing both the written consent of assignee with statement under 37 CFR 3.73(b), and the statutory basic filing fee; and with additional claim fees due. In response to a "Notice to File Missing Parts of Reissue Application" mailed February 8, 2002, petitioner timely filed the initial petition under § 1.47(b), asserting that status under § 1.47 is proper because sole inventor Snell refuses to join in the application. The petition was dismissed for failure to submit an acceptable declaration in compliance with § 1.175; and consequently, failure to show that inventor Snell refused to join in the application after having been presented with a proper reissue declaration for signature².

¹ A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See MPEP 503. Petitioner's postcard is date-stamped December 2, 2002 by the USPTO, and specifically itemizes as being filed a renewed petition under § 1.47 (and supporting documentation) and a one-month extension of time. (Finance records show payment of the extension of time fee in December of 2002).

² A grantable petition under 37 CFR § 1.47(b) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63 and 1.64 or 1.175; (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. § 1.64; (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (4) the petition fee; (5) a statement of the last known address of the non-signing inventor; (6) that rule 47 applicant make out a *prima facie* case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

On instant renewed petition, petitioner submitted a reissue declaration executed by joint inventors Carl Andren and Leonard Lucas. It is preliminarily noted that this petition is now considered under 37 CFR 1.47(a). Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. In this instance, inventors Andren and Lucas are available.

A grantable petition under § 1.47(a) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63 and 1.64 or 1.175; (2) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (3) a statement of the last known address of the non-signing inventor, and (4) the petition fee. On initial petition, petitioner satisfied requirements (3) and (4).

On instant renewed petition, petitioner satisfied requirements (1) and (2). The declaration submitted on instant renewed petition has been reviewed and found in compliance with §§ 1.175 and 1.47(a). An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s), unless otherwise indicated. Accordingly, the instant declaration is accepted as being executed by available joint inventors Andren and Lucas on behalf of themselves and on behalf of non-signing inventor Snell.

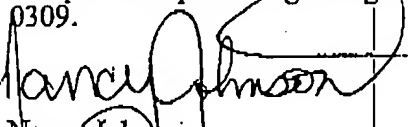
Furthermore, with the instant renewed petition, petitioner submitted proof that non-signing inventor Snell has refused to join in this reissue application after having been presented with the application papers (including the proper reissue declaration). This evidence includes the first hand declarations of Elizabeth Bauer, detailing the presentation of the reissue declaration and application papers to non-signing inventor Snell; and of David Fogg, detailing inventor Snell's subsequent refusal to sign the reissue declaration. Copies of the letters (and mailing labels) transmitting by Federal Express and requesting presentation by hand-delivery (process server) of the application papers to non-signing inventor Snell; and a declaration of the process server, attesting to having served inventor Snell with the papers were made a part of the statements.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2631 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE
SPECIAL PROGRAM LAW OFFICE/OFFICE OF PETITIONS

FACSIMILE TRANSMISSION

DATE: Feb 28, 2003

125:00348R1

TO:

David Foggy

(NAME)

612-677-3553

(FACSIMILE NUMBER)

PTO

(ORGANIZATION)

612 332-4720

(TELEPHONE NUMBER)

SENDER:

Clayton Johnson

(NAME)

TOTAL NUMBER OF PAGES _____ (INCLUDING THIS COVER PAGE)

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DIRECT TELEPHONE No.: 703-305-9282

FACSIMILE No.: 703-308-6916

Brief Message:



HUNTON & WILLIAMS LLP
1751 PINNACLE DRIVE
SUITE 1700
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7400
FAX 703 • 714 • 7410

PHILLIP MANCINI
DIRECT DIAL: 703-714-7554
EMAIL: pmancini@hunton.com

FILE NO: 56162.000489

April 13, 2006

Via Overnight Delivery

Victor L. Lucas
1706 SE Sedgwick
Port Orchard, WA 98366

Re: U.S. Reissue Patent Application No. 10/005,483
Title: "High Data Rate Spread Spectrum Transceiver and Associated Methods"
Inventors: James Leroy Snell et al.
Your Reference: GV 289 (W)
Our Reference: 56162.000489

Dear Victor:

Enclosed please find a Declaration and current set of claims for the above-identified reissue application. In order to get this application to issue as a patent we need to submit an additional declaration including the signatures of Carl Andren and Victor Lucas. Therefore, please execute the enclosed declaration by signing and dating at the specified location and return it to us in the enclosed pre-paid Fedex return envelope.

It is imperative that we get this declaration filed in the Patent Office within the next week. Thank you for your cooperation in this matter. Please feel free to call me with any questions or concerns.

Sincerely,

Phillip Mancini
Sent on behalf of Kevin T. Duncan

KTD/PDM:gjc
Enclosures



HUNTON & WILLIAMS LLP
1751 PINNACLE DRIVE
SUITE 1700
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7400
FAX 703 • 714 • 7410

PHILLIP MANCINI
DIRECT DIAL: 703-714-7554
EMAIL: pmancini@hunton.com

FILE NO: 56162.000489

April 13, 2006

Via Overnight Delivery

Carl F. Andren
906 S. Ramona Avenue
Indialantic, Florida 32903

Re: U.S. Reissue Patent Application No. 10/005,483
Title: "High Data Rate Spread Spectrum Transceiver and Associated Methods"
Inventors: James Leroy Snell et al.
Your Reference: GV 289 (W)
Our Reference: 56162.000489

Dear Carl:

Enclosed please find a Declaration and current set of claims for the above-identified reissue application. In order to get this application to issue as a patent we need to submit an additional declaration including the signatures of Carl Andren and Victor Lucas. Therefore, please execute the enclosed declaration by signing and dating at the specified location and return it to us in the enclosed pre-paid Fedex return envelope.

It is imperative that we get this declaration filed in the Patent Office within the next week. Thank you for your cooperation in this matter. Please feel free to call me with any questions or concerns.

Sincerely,

Phillip Mancini

Sent on behalf of Kevin T. Duncan

KTD/PDM:gjc
Enclosures

Shipping Label

From: Origin ID: (703)714-7554
Phillip D. Mancini
Hunton & Williams
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102



CL5822384/16/19

SHIP TO: (703)714-7554

BILL SENDER

Victor L. Lucas

1706 SE Sedgwick

Port Orchard, WA 98366

Ship Date: 13APR06
ActWgt: 1 LB
System#: 4342315/INET2400
Account#: S *****

REF: 56162.000489/PDM



Delivery Address Bar Code

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Deliver By:
14APR06

TRK# 7914 4534 2369

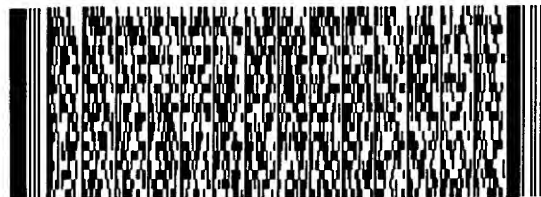
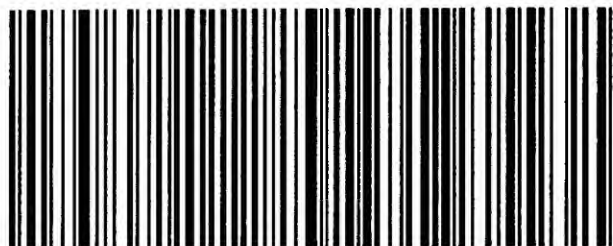
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From: Origin ID: (703)714-7554
 Phillip D. Mancini
 Hunton & Williams
 1751 Pinnacle Drive
 Suite 1700
 McLean, VA 22102



Ship Date: 13APR06
 ActWgt: 1 LB
 System#: 4342315/INET2400
 Account#: S *****

REF: 56162.000489/PDM



Delivery Address Bar Code

SHIP TO: (321)725-4115

BILL SENDER

Carl Andren

906 S. Ramona Avenue

Indialantic, FL 32903

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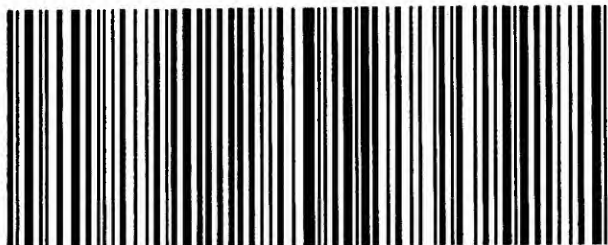
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911 Center
Kitsap County
Kitsap County Treasurer
PO Box 34303 Seattle, Washington 98124
Emergency Management

2006 WEB TAX STATEMENT

Printed: 04/13/2006

LUCAS VICTOR L
7106 SE SEDGWICK
PORT ORCHARD, WA 98366

Account Number	For Informational Purposes Only
092302-2-001-2003	Process Number 1081405
Fire Marshal	Taxpayer Name: LUCAS VICTOR L
Hearing Examiner	
Information Services	
Juvenile	

09232E Natural Resources
THE NE1/4 NE1/4 NW1/4 CNVYD BY AUD NO. 1103022 EXC FDT, BAT NE
COR OF SD NE1/4 NE1/4 NW1/4 TH S0°55'48W ALG E LN THOF 30.00FT
TO TPOB OF TH EXC TH N87°56'03W 150.04FT THE S0°55'48W 157.21FT
TH S21° 08'20E PUB BFW TH S87°56'03E 108.00FT TH N0°55'48E 260.05FT
TO TPOB ALSO EXC FDT, BAT NE COR OF SD NE1/4 NE1/4 NW1/4 TH
S0°55'48W 290.55FT TO TPOB TH CONT S0°55'48W 80.00FT TH
N87°56'03W 54.65W IN A NWLY DIR 86.42FT M/L TAP TH IS
N87°56'03W 87.36FT TO TPOB TH S87°56'03E 87.36FT TO TPOB & EXC RD

VALUE INFORMATION FOR TAX		
	2005	2006
Land:	\$71,270	\$89,090
Improvements:	\$120,680	\$134,360
TOTAL VALUE:	\$191,950	\$223,450
Frozen Base:	\$0	\$0
Exemptions (if any):		
Total Qualifying Exemptions:	\$0	\$0

TOTAL TAXABLE VALUE: (Land + Improvements minus Qualifying Exemptions)
\$191,950 \$223,450

Levy Code 8320 General Levy Rate per \$1000 9.6637

Voted Rate -- 25.9 % Voter Approved

GENERAL TAX DISTRIBUTION		
	2005	2006
STATE GENERAL	\$568.37	\$580.77
REGIONAL LIBRARY	\$80.55	\$80.80
LOCAL SCHOOL	\$538.52	\$558.74
COUNTY	\$251.17	\$252.73
COUNTY ROAD	\$329.79	\$329.51
FIRE	\$328.42	\$338.98
PUD	\$17.70	\$17.81
2005 Total:	\$2,114.52	2006 Total: \$2,159.34

Current Taxes		
ASSESSMENT	2005	2006
Noxious Weed	\$1.60	\$1.60
Stormwater Management	\$47.50	\$50.00
Asmt Total	\$49.10	\$51.60

2006 General Property Tax +
Assessments = \$2,210.94

Delinquent Section		
Year	Taxes Int/Pen to 4/2006	Total
	Total Delinquent Amt Due:	\$0.00
	Total Collection Cost:	\$0.00

TOTAL AMOUNT DUE: \$2,210.94

First half taxes paid after April 30th will incur interest plus penalty computed on the FULL year amount (RCW 84.56.020).

Account Number: 092302-2-001-2003		(1081405)	Parcel Location: 7106 SE SEDGWICK RD					
<div>2</div> <p>If you did not make a first half payment or pay the delinquent taxes listed, if any, call (360) 337-7135 for delinquent tax, interest and penalty due. Delinquent payments received without interest and penalty will be returned. See Treasurer Information link.</p>			SECOND HALF - Pay or Postmark by October 31					
				TAX YEAR	Prev Tax Owning	Interest/ Penalty	TOTAL	
							Full	Half
			Current:	2006				\$1,105.47
			Delinquent					\$0.00
			Amount Due:		\$1,105.47			

If you did not make a first half payment or pay the delinquent taxes listed, if any, call (360) 337-7135 for delinquent tax, interest and penalty due. Delinquent payments received without interest and penalty will be returned. See Treasurer Information link.

2

LUCAS VICTOR L
7106 SE SEDGWICK
PORT ORCHARD, WA 98366

Make Remittance Payable To
Kitsap County Treasurer - PO Box 34303 - Seattle, WA 98124

Account Number: 092302-2-001-2003 (1081405)	Parcel Location: 7106 SE SEDGWICK RD
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Payments of prior year taxes must include all interest and penalty due. Delinquent payments received without interest and penalty will be returned. [See Treasurer Information link.](#)

1

FIRST HALF - Pay or Postmark by April 30

	TAX YEAR	Prev Tax Owing	Interest/ Penalty	TOTAL	
				Full	Half
Current:	2006			\$2,210.94	\$1,105.47
Collection				\$0.00	
Amount Due:				\$1,105.47	

LUCAS VICTOR L
7106 SE SEDGWICK
PORT ORCHARD, WA 98366

Make Remittance Payable To
Kitsap County Treasurer - PO Box 34303 - Seattle, WA 98124

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